

Appl. No. 10/840,099  
Reply to Office Action of April, 2006

### REMARKS

Claims 1-5, 7 and 8 are pending in the present application. Reconsideration of this application is respectfully requested.

#### Allowable subject matters

Applicants are grateful to the Examiner for acknowledging the allowable subject matter recited in Claims 4 and 8.

#### Claim rejections under 35 U.S.C. §102(b)

The Action rejects Claims 1, 3, 5 and 7 under 35 U.S.C. §102(b) as being anticipated by Hohkibara et al. (U.S. Patent No. 6,438,436).

Claim 1 recites “assigning wafer numbers to each process stage of the schedule time in proportion to a process time of each stage in view of a total process time for the schedule period.” (Emphasis added). Hohkibara discloses a long-range production scheduling unit 200 and a short-range production scheduling unit 400. The long-range production scheduling unit 200 receives long-range production scheduling information 110 and outputs a long-range production schedule 300. (Lines 23-35, Col. 4). The short-range production scheduling unit 400 only receives the long-range production schedule 300 and outputs a short-range production schedule 500, but does not assign wafers to each process stage in proportion to a process time of each stage in view of a total process time for the schedule period.

The Action stated that Hohkibara discloses the claimed feature in modules 113 and 114 shown in Fig. 3 as well as Fig. 5. The Applicants respectfully disagree. Indeed, module 113 shown in FIG. 3 does not teach or suggest this feature. Module 114 shown in FIG. 3 only describes “number of wafer” which, in fact, indicates wafers included in the lot, rather than wafers assigned to a process stage in proportion to a process time of each stage in view of a total process time for the schedule period. None of description in connection with modules 113 and 114 related to this recited feature. (Lines 35-63, Col. 5). Further, Fig. 5 of Hohkibara merely shows a screen image as an output result of long-range production scheduling. (Lines 36-59, Col. 6). Neither this figure or description in connection with Fig. 5 teaches or suggests this claimed

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feature. Therefore, Hohkibara fails to teach or suggest assigning wafer numbers to each process stage of the schedule time in proportion to a process time of each stage in view of a total process time for the schedule period as recited in Claim 1. Claim 1 is not anticipated by Hohkibara and should be, therefore, allowable.

Claims 3, 5 and 7 depend from Claim 1 and are, therefore, allowable for at least these reasons set forth in connection with Claim 1.

**Claim rejections under 35 U.S.C. §103(a)**

The Action rejects Claim 2 under 35 U.S.C. §103(a) as being unpatentable over Hohkibara et al. (U.S. Patent No. 6,438,436).

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 706.02(j).

Claim 2 depends from Claim 1 and, therefore, includes all features recited in Claim 1. The Applicants thus submit that Hohkibara failed to teach or suggest at least the claimed feature as set forth above in connection with Claim 1. Further, without the claimed feature described above, one of ordinary skill in the art would not have been motivated by Hohkibara to achieve the features recited in Claim 2, because the starting date and the ending date will be related to the total process time of the schedule period based upon which the wafer numbers are assigned. Therefore, Claim 2 is allowable over the art of record for at least these reasons.

In view of the foregoing, reconsideration and withdrawal of the rejection of these claims are respectfully requested.

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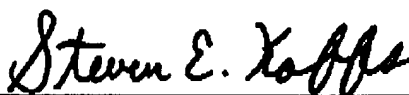
**Conclusion**

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

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